

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARRYL BARRETT,	)	
	)	Civil Action No. 05 - 370J
Petitioner,	)	
	)	Judge Kim R. Gibson /
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
SUPERINTENDENT GEORGE PATRICK;	)	
DISTRICT ATTORNEY OF CHESTER	)	
COUNTY; ATTORNEY GENERAL OF	)	
THE COMMONWEALTH OF	)	
PENNSYLVANIA	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

The above captioned Petition was received by the Clerk of Court on March 23, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 15), filed on June 14, 2006, recommended that the Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2254 be denied. It also recommended that a certificate of appealability be denied. Service was made on the Petitioner SCI Houtzdale, P.O. Box 1000, Houtzdale, PA 16698, and on counsel of record for the Respondents. The parties were informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. Petitioner filed Objections to the Magistrate Judge's Report and Recommendation (Doc. No. 16) on June 26, 2006. After review

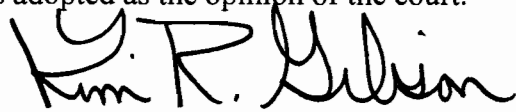
of the pleadings and the documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

**AND NOW**, this 24<sup>th</sup> day of July, 2006;

**IT IS HEREBY ORDERED** that the Petition for Writ of Habeas Corpus is **DENIED**.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 15) of Magistrate Judge Lenihan, June 14, 2006, is adopted as the opinion of the court.

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson  
United States District Judge

cc: Lisa Pupo Lenihan  
U.S. Magistrate Judge

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